

REMARKS

Following entry of the amendment, claims 8-14 and 26-30 will be pending in this application. Claims 1-7, 15-25, and 31-32 will have been cancelled without prejudice or disclaimer of the subject matter thereof. Claim 14 will have been amended. Claims 33-39 will have been added.

Claim 14 stands rejected under 35 U.S.C. § 112, second paragraph. Claims 8-14 and 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,230 (Eichstaedt) in view of U.S. Patent No. 6,112,240 (Pogue), and in further view of U.S. Pub. No. 2002/0007402 (Huston). Additionally, the drawings have been objected to.

Amendments

Applicants have amended claim 14 to correct a minor typographical oversight. The amendment to claim 14 is not made for any reason related to patentability and does not affect the scope of the claim, since the meaning of the claim was clear from context, as evidenced by paragraph 6 of the May 6, 2004 Office Action. Applicants respectfully submit that the amendment to claim 14 renders the section 112 moot, and request reconsideration of that rejection.

Applicants have amended FIG. 8 in the manner indicated in the attached submission. The amendment to FIG. 8 is supported by the originally-filed specification, at least at page 19, lines 3-24, and thus does not add new matter.

Applicants have added new claims 33-39. Claims 33-39 are computer-readable medium claims that are similar in scope to originally-filed method claims 8-14, and thus the new claims do not add new matter. The use of computer-readable media to embody methods is supported at least by FIG. 1 of the originally-filed application, and the description thereof in specification.

The Section 103 Rejections

Claims 8-14 and 26-30 have been rejected as being obvious over various combinations of Eichstaedt, Pogue, and Huston. Applicants respectfully submit that the proposed combination of references is inappropriate, because the references relied upon teach away from the pending claims, and from the proposed combinations. See MPEP 2145(j)(4). These references are, thus, incompatible, and their combination is not supportable under the relevant standards under which obviousness is determined. Thus, for the reasons set forth below, applicants respectfully submit that combination of references proposed is inappropriate, and request that the rejections based on these combinations be reconsidered and withdrawn.

Claim 8

In rejecting claim 8, the Examiner relies on Eichstaedt as teaching the features of “selecting a group of users of the web site based on an identifier associated with each user,” and “providing a web page to the selected group of users.” The Examiner acknowledges that Eichstaedt does not teach the features of “copying data from each of the selected user’s client computing devices to a central storage location,” and providing the web page “based on the copied data.” As to these latter two features, the Examiner relies on Pogue and Huston. However, Eichstaedt teaches away from these latter features, and thus the proposed modification of Eichstaedt is inappropriate.

Eichstaedt is directed to a system that can detect whether a request has come from a human user or a (damaging) web-crawling robot. In rejecting claim 8, the Office Action cites col. 8, ll. 39-54 of Eichstaedt. That portion of Eichstaedt describes that each request to a server – whether the request comes from a human user or a robot – is accompanied by a client identifier, a timestamp, and an identification of the data requested. Each request is logged, so a given request can be compared to the log of prior requests to determine whether a requestor has requested too much information, or has issued requests too frequently. The presumption made in Eichstaedt is that legitimate (human) users would request small amounts of data infrequently (see col. 5, ll. 62-64), so when a particular client (as identified by its client identifier) requests data

too frequently, or requests too much data, it can be presumed that the client is a robot, and the request can be denied. According to the Office Action, Eichstaedt's description of this technique teaches claim 8's features of selecting a group of users based on an identifier and providing a web page to each of the selected users. Further, the Office Action asserts that it is desirable to modify Eichstaedt by adding features from other references so that data from each client can be stored centrally, and so that web pages can be provided to users based on the centrally-stored data.

The Office Action states that one of the reasons that one would be motivated to modify Eichstaedt is that – according to the Examiner – it is desirable to store user-specific web pages in a central database in order to “allow web pages to be formatted to support a client's browser.” (Office Action, p. 5.) However, providing web pages that have been specifically formatted for a given client's browser based on information that has been previously stored about that client is only desirable if one considers it beneficial to improve the user-experience for repeat visitors to a web site. However, the desirability of helping repeat visitors is directly contrary to the teachings of Eichstaedt, which considers repeat visitors to be potentially damaging robots, and may entirely deny such repeat visitors access to the web site. As described above, Eichstaedt logs information about repeat visitors to the web site, and, when visitors appear in the log too frequently, they are presumed to be robots and will be entirely denied future access to the site. In other words, Eichstaedt is not concerned with helping repeat visitors to a web site, because the best visitor (i.e., the one least likely to be a robot, and thus the most worthy to receive information) is one who has never been seen by the web site before and does not appear in the log file. Thus, one who reads Eichstaedt would not conclude that it is desirable to store information about prior visitors in order to provide them with custom-formatted web pages in the future, and thus would not be motivated to combine Eichstaedt with Pogue and Huston in the manner proposed.

In forming an obviousness rejection, a proposed modification cannot render the base reference unsatisfactory for its intended purpose. MPEP 2143.01. It is clear that the intended purpose of Eichstaedt is to block, not help, frequent repeat visitors to a web site. Thus, the

proposed modification of Eichstaedt – which is supposedly motivated by a desire to provide custom-formatted web pages to repeat visitors – is incompatible with the teachings of Eichstaedt, and thus is not a proper modification.

Applicants thus respectfully submit that the proposed combination of references teach away from the features of claim 8, and request that the section 103(a) rejection of claim 8 be reconsidered and withdrawn.

Claim 9

Claim 9 recites that selecting a group of users is performed by computing a hash of each user's identifier. The crux of the rejection appears to be that (a) the claimed "hash" is the same as Eichstaedt's "request value," and (b) to the extent that the "request value" is different from a hash, Huston discloses a hash itself. This line of reasoning is incorrect for two reasons.

First, Eichstaedt's request value is not a hash. As described in Eichstaedt (col. 6, ll. 43-62), the "request value" is used to quantify the amount (e.g., frequency, numerosity) of requests made by a given client, so that clients whose requests have exceeded some threshold can have their requests denied. However, the definition of the term "hash," as defined by the Microsoft Computer Dictionary (5th ed. 2002) states: "To be mapped to a numerical value Hashing is used to convert an identifier or key, meaningful to a user, into a value for the location of the corresponding data in a structure, such as a table." (p. 247.) Eichstaedt's "request value" has none of these characteristics.

Second, it is not obvious to use Huston's hash value in place of Eichstaedt's request value. The "request value" is used to quantify the frequency or amount of a given client's requests – in order to make an informed decision about whether that client has requested too much information and is, therefore, likely to be a robot. By contrast, a purpose of computing a hash is to help select users *randomly*. (See Application, p. 18, ll. 4-6.) Eichstaedt does not seek to select clients randomly; rather, Eichstaedt seeks to analyze clients in a very non-random fashion, so that certain frequent visitors (presumed to be robots) can be denied access, and all others can be allowed access. There is no indication in Eichstaedt that it is desirable to replace the "request

value" (which contains very specific information about a client in order to select specific clients based on their known behavior), with a random hash value (which would contain random information).

Thus, applicants submit that claim 9 is not obvious over the proposed combination of references, and request that the section 103 rejection of claim 9 be reconsidered and withdrawn.

Claim 13

Claim 13 recites the act of maintaining a mirror copy of a selected user's information at that user's client computing device. The selected user, as recited in a base claim from which claim 13 depends, has been selected to have a copy of such data stored at a central location. Therefore, in claim 13, there are two copies of this data: one at a central location, and one (the mirror copy) at the user's client device.

Eichstaedt teaches away from storing a mirror copy of any information on the client. To the extent that Eichstaedt gathers any information at all, such information is the log file that is used to identify too-frequent visitors who are likely to be robots. As Eichstaedt explains, some robots use deceptive schemes in order to avoid detection – e.g., using multiple IP addresses to make it appear as if a single robot is actually several unrelated clients. (See Eichstaedt, col. 3, ll. 10-16.) Storing a copy of any gathered information on the client itself would betray Eichstaedt's detection apparatus and methods to the robots that the system is trying to detect, thereby providing the robots with information that would assist them in avoiding detection in the future. The Examiner acknowledges that Eichstaedt does not teach the use of a mirror copy, but asserts that Eichstaedt can be combined with Pogue and Huston to yield this feature. Since storing a mirror copy of information would completely thwart Eichstaedt's ability to detect robots in the face of the robots' anti-detection measures, one of skill in the art who reads Eichstaedt would not be motivated to modify Eichstaedt in this manner.

Thus, applicants respectfully submit that the combination of references relied upon in rejection claim 13 is inappropriate, and applicants respectfully request that the rejection of claim 13 be reconsidered and withdrawn.

Claim 14

Claim 14 recites providing a web page to a “de-selected” user. As described above in connection with claim 8 (on which claim 14 is dependent), the Examiner’s position appears to be that Eichstaedt’s teaching of attempting to detect robots and denying access to the detected robots corresponds to the claim feature of “selecting” users. Although the Office Action does not explicitly say so, it appears that the Examiner regards the “selected” users as those whom Eichstaedt’s system has not identified as robots, and, therefore, will provide with access to data. Under this assumption, the “de-selected” users would be those users who are not allowed access (i.e., the perceived robots).

Under this interpretation, it is clear that Eichstaedt does not perform the feature recited in claim 14 of provided the de-selected users with a web page. Moreover, Eichstaedt cannot properly be modified to provide de-selected users with a web page, since the goal of Eichstaedt is to deny robots *any* information. Under the Examiner’s proposed application of Eichstaedt, the de-selected users would be the ones who may not receive information because they have been determined to be robots. Combining Eichstaedt with any other reference in order to provide these de-selected users with a web page would directly contravene the purpose of Eichstaedt. Thus, the proposed combination is inappropriate, and applicants request that the section 103 rejection of claim 14 be reconsidered and withdrawn.

Additionally, applicants note that, in the Examiner’s treatment of claim 14 on page 7, the Examiner has not addressed the “de-selected” feature of the claim. The term “de-selected” was absent from the originally-filed claim due to a typographical oversight; however, the Examiner indicated in paragraph 6 of the Office Action that claim 14 would be treated as having recited the “de-selected” language. However, in the section 103 rejection of claim 14, the Examiner treats this claim as if it states only “providing a web page to the user ...” instead of “providing a web page to the de-selected user” Thus, applicants respectfully submit that, in addition to the reasons given above, the section 103 rejection of claim 14 is incorrect for the additional reason that the Examiner has overlooked this feature of the claim.

Claims 26 and 27

Claims 26 and 27 each call for providing customized web pages based on information associated with the devices to which the web pages are being provided. Claims 26 and 27 have been rejected under section 103 as being unpatentable over Eichstaedt in view of Pogue and Huston. The rejections specifically rely on Pogue for the customization features. However, as described above in connection with claim 8, the motivation to modify Eichstaedt to support the customization of content for visitors who are known to the web site depends on it being desirable to assist repeat visitors to a web site by providing those visitors with customized content. For the reasons described above in claim 8, assisting repeat visitors to a web site directly contravenes the teachings of Eichstaedt, and thus it is inappropriate to conclude that it is obvious to modify Eichstaedt in this way. Thus, for the reasons expressed above in connection with claim 8, applicants request that the section 103 rejections of claims 26 and 27 be reconsidered and withdrawn.

Claim 28

The Examiner's rejection of claim 28 relies on the notion that Eichstaedt's "request values" are analogous to the products of the claimed "hashing module." In rejecting claim 28, the Examiner has not relied on any reference other than Eichstaedt as teaching the hashing module. For the reasons discussed above in connection with claim 9, Eichstaedt's request value is not analogous to a hash value. Thus, for the reasons expressed above in connection with claim 9, applicants request that the section 103 rejection of claim 28 be reconsidered and withdrawn.

Claims 10, 11, 12, 29, and 30

Claims 10, 11, 12, 29, and 30 are dependent, either directly or indirectly, on one or more of the claims that have been shown above to be patentable. Thus, these claims are patentable at least by reason of their dependency, and applicants request that the rejection of claims 10, 11, 12, 29, and 30 be reconsidered and withdrawn.

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Drawings

Applicants have submitted a correction to FIG. 8, and respectfully submit that this correction responds to all outstanding objections to the drawings.

Conclusion

For all of the foregoing reasons, applicants respectfully submit that this case is in condition for allowance, and request that a Notice of Allowance be issued in the next office action.

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A handwritten signature in black ink, appearing to read 'Peter M. Ullman', is written over a horizontal line.

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